

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

MARY HOLMES, DENISE DAVIS,
ANDREW DALLAS, and EMPOWER
MISSOURI,

Plaintiffs,

-against-

ROBERT KNODELL, in his official capacity
as Acting Director of the Missouri Department
of Social Services,

Defendant.

Case No. 2:22-cv-04026-MDH

**PLAINTIFFS' MOTION TO SET
FEE MOTION SCHEDULE**

The Plaintiffs hereby move the Court to set a submission and briefing schedule for Plaintiffs' Motion for Fees and Costs pursuant to 42 U.S.C. §§ 1988, 12205. In light of this Court's Order on the Parties' Cross Motions for Summary Judgment ("Summary Judgment Order"), ECF 161, Plaintiffs are the prevailing parties in this litigation, and intend to submit a petition for fees and costs. Under Federal Rule of Civil Procedure 54(a), (d)(2)(B)(i), fee motions must be submitted within fourteen days of the entry of judgment on an order from which an appeal lies, unless a . . . court order provides otherwise."

It is the parties' understanding that this action is not currently ripe for a fee petition. While Summary Judgment has been decided on the merits, the Court has yet to order the exact contours of relief awarded to Plaintiffs. ECF 161; *see Dieser v. Cont'l Cas. Co.*, 440 F.3d 920, 923 (8th Cir. 2006) ("A final decision within the meaning of [28 U.S.C.] § 1291 ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.") (internal quotation omitted); *In re Strong*, 293 B.R. 764, 768 (8th Cir. 2003) ("To be a final order

or judgment, there must be ‘some clear and unequivocal manifestation by the trial court of its belief that the decision made, so far as [the court] is concerned, is the end of the case.”’).

Pursuant to the Summary Judgment Order, the parties must make submissions to the Court containing proposed changes that will bring Defendant’s operation of SNAP into compliance with the SNAP Act, the Due Process Clause, and the Americans with Disabilities Act. This Court will order full relief once these submissions are complete. It is the parties’ understanding that only at this juncture—after full relief is ordered—will this litigation be ripe for a fee motion.

Plaintiffs accordingly request clarity on the timing of Plaintiffs’ planned fee motion in order to focus on the relief phase of this litigation. Plaintiffs conferred with Defendant, who does not join this motion but expressed no opposition to Plaintiffs’ proposed timeline for submission and briefing on a request for fees. Plaintiffs therefore respectfully request that the Court order that:

1. The Court clarify that the Summary Judgment Order does not constitute an “entry of judgment” within the meaning of Federal Rule of Civil Procedure 54;
2. The filing deadline for Plaintiffs’ Motion for Fees and Costs be set for thirty (30) days after this Court’s final entry of judgment ordering relief in this matter;
3. The filing deadline for Defendant’s Response to Plaintiffs’ Motion for Fees and Costs be set for thirty days after the filing of Plaintiffs’ Motion; and
4. Plaintiffs’ Reply in Support of their Motion for Fees and Costs be set for fourteen days after the filing of Defendant’s Response.

Dated: May 16, 2024

Respectfully submitted,

By: /s/Katharine Deabler-Meadows

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